

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SUPERL SEQUOIA LIMITED,

Plaintiff,

v.

THE C.W. CARLSON COMPANY, INC. *et al.*

Defendant

ORDER

3:07-cv-640-bbc

This is a business contract lawsuit that was filed on November 7, 2007 and is scheduled for trial on September 14, 2008, less than two weeks hence. Before the court is defendant's motion to compel the in-person deposition of plaintiff's owner, Andrew Yiu, who lives in Hong Kong. *See* *dk.* 47. Plaintiff opposes the motion and has counter-moved for a protective order. *See* *dk.* 53. Because trial is imminent, I am canceling the telephonic hearing(s) on these motions and ruling in writing: Yiu must submit to a video deposition as soon as possible but not later than September 8, 2008.

Defendant claims that Yiu has knowledge germane to this lawsuit but he has resisted requests to depose him. Plaintiff claims that Yiu has very little knowledge relevant to this lawsuit and that the extraordinary burden of rushing him to Madison for an eve-of-trial deposition outweighs whatever benefit would accrue to defendant from a live conversation. Plaintiff is amenable to making Yiu available for a video deposition.

Discovery in this lawsuit ended on August 15, 2008, "absent written agreement of all parties to some other date." *See* February 7, 2008 order, *dk.* 12, at 4. The correspondence exchanged by the attorneys establishes that they agreed to a few late depositions; the pending cross-motions also establish that, as to the format of Yiu's deposition, they were talking past each other. Absent a clear meeting of the minds on *how* the Yiu deposition was to be conducted, I will not at this late date endorse a hugely expensive and inconvenient live interrogation. Maybe the answer would have been

different in June, maybe not, I won't speculate at this juncture. The bottom line is that right now, defendant may have a video deposition that shall occur ASAP but not later than September 8, 2008.

Entered this 2nd day of September, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge